

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

RICKEY HOWARD,	)	<b>Case No.:</b>
	)	
Plaintiff,	)	
	)	<b>Judge:</b>
vs.	)	
	)	
FIRSTENERGY CORP.,	)	
	)	
Defendant.	)	

**Defendant FirstEnergy Corp.'s  
Notice of Removal**

Defendant FirstEnergy Corp. ("FirstEnergy"), in accordance with 28 U.S.C. § 1441 and § 1446, gives notice of the removal of this action to the United States District Court for the Northern District of Ohio. In support, FirstEnergy states the following:

1. On August 18, 2015, Plaintiff Rickey Howard filed a complaint and jury demand in the Court of Common Pleas for Cuyahoga County, Ohio, captioned *Rickey Howard v. FirstEnergy Corp.*, Case No. CV-15-849901. All state-court pleadings, processes, and orders are attached as **Exhibit A** to this notice. *See* 28 U.S.C. §§ 1446(a), 1447(b), and 1449.
2. The summons and complaint were issued on August 19, 2015. FirstEnergy was served the summons and complaint on August 20, 2015.
3. FirstEnergy has timely filed this notice of removal because it has been filed within 30 days of FirstEnergy's receipt of the summons and complaint. *See* 28 U.S.C. § 1446(b).
4. Defendant FirstEnergy is the only defendant named in the complaint. Therefore, all defendants join in and consent to the removal of this action to this Court. *See* 28 U.S.C. § 1446(b).

5. This Court is in the district and division “embracing the place where [the state-court] action is pending.” 28 U.S.C. § 1441(a). The Cuyahoga County Court of Common Pleas is located in the Northern District of Ohio, Eastern Division.

6. Plaintiff’s sole cause of action in his complaint alleges violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227.

7. This Court has original jurisdiction over the subject matter of this action because Plaintiff’s complaint is a civil action arising under the laws of the United States of America. *See* 28 U.S.C. § 1331(a). Further, this is not an action described in 28 U.S.C. § 1445.

8. Therefore, this case is removable to this Court. *See* 28 U.S.C. § 1441(a).

9. Upon the filing of this Notice of Removal, Defendant has given notice to Plaintiff and will file the attached Notice of Removal to Federal Court enclosing a copy of this Notice of Removal with the Clerk of Courts for the Cuyahoga County Court of Common Pleas. *See* **Exhibit B** (without its exhibits); *see also* 28 U.S.C. § 1446(d).

DATE: August 25, 2015

Respectfully submitted,

/s/ Kyle A. Shelton  
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Attorneys for Defendant FirstEnergy Corp.

CERTIFICATE OF SERVICE

This certifies that today, August 25, 2015, I served a copy of this document in accordance with Rule 5 of the Federal Rules of Civil Procedure by mailing it to Plaintiff's counsel:

Michael L. Fine  
3684 Silsby Road  
University Heights, Ohio 44118

*Attorney for Plaintiff Rickey Howard*

/s/ Kyle A. Shelton

Kyle A. Shelton (0092083)